

Exhibit H

**Email from NRDC to Army Corps
Responding to Request for Additional
Information
(Jan. 17, 2019)**

From: Devine, Jon

Sent: Thursday, January 17, 2019 2:19 PM

To: Catharine.Debelle@usace.army.mil; Mary.A.Smith@usace.army.mil;
Michelle.Bartlett@usace.army.mil

Subject: FW: FOIA Request - FP-18-030019 - (Clean Water Act Protections) (UNCLASSIFIED)

This email was forwarded to me, as I am the requester. My contact information, should you need it in the future, is below.

In response to your questions:

1. I would like to receive the kinds of records listed that USACE has with respect to the types of water bodies identified, without regard to the 5-year validity of jurisdictional determinations. If more recent records are more easily collected and produced, please do not delay their release while other records are being searched for.
2. Please include JDs performed using any legal regime, including -- but not limited to -- the Rapanos guidance and the 2015 Clean Water Rule.
3. Thank you for explaining that preliminary JDs will not include aquatic resource type. In view of that, there is no need to search for preliminary JDs.

JON DEVINE

Senior Attorney & Director of Federal Water Policy Nature Program

NATURAL RESOURCES

DEFENSE COUNCIL

1152 15TH STREET NW, SUITE 300

WASHINGTON, DC 20005

T 202.289.2361

C 202.236.1605

JDEVINE@NRDC.ORG

-----Original Message-----

From: Debelle, Catharine S CIV (US) <Catharine.Debelle@usace.army.mil>

Sent: Tuesday, January 15, 2019 2:38 PM

To: Hawke, Anne <ahawke@nrdc.org>

Cc: Smith, Mary A CIV USARMY CEHEC (US) <Mary.A.Smith@usace.army.mil>; Bartlett, Michelle J CIV USARMY CEHEC (US) <Michelle.Bartlett@usace.army.mil>

Subject: FOIA Request - FP-18-030019 - (Clean Water Act Protections) (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Good Afternoon,

I am e-mailing you from the US Army Corps of Engineers HECSA Office of Counsel in reference to Mr. Devine Jr.'s FOIA request. In an effort to determine what responsive information, if any we have, our regulatory office has requested some clarification.

What is the timeframe you are interested in? In providing your interested timeframe, please be advised that our approved jurisdictional determinations are only valid for five years so including previous timeframes will include jurisdictional information that is no longer valid/current

Does the scope of your request include Rapanos JDs or also 2015 Clean Water Rule ones?

Finally, please be advised that any information provided will only include approved jurisdictional determination information. USACE does not record any specific information regarding aquatic resource type with preliminary jurisdictional determinations as they cannot make any sort of official determination regarding jurisdictional status or category of waters of the U.S.

Thank you for your assistance in forwarding this email to Mr. Devine Jr. and please provide me with a direct contact email for Mr. Devine Jr. for future correspondence.

Catharine Debelle
U.S. Army Corps of Engineers
HECSA - Office of Counsel
7701 Telegraph Road
Alexandria, VA 22315
703-428-6479 (office)
703-428-7221 (fax)
Catharine.Debelle@usace.army.mil

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